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LETTER DATED 6 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith a letter dated 6 October 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the continuing difficulties and obstacles impeding proper implementation of Security Council resolution 986 (1995), the memorandum of understanding and the work of the Security Council Committee established by resolution 661 (1990).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 6 October 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

In view of the importance of your role and your direct responsibility for the implementation of the memorandum of understanding signed by Iraq and the United Nations, I have ensured that you have been kept abreast of developments in the implementation of the memorandum and in the related work of the Security Council Committee established by resolution 661 (1990).

At the time of writing, four whole months have elapsed in addition to the six months stipulated for the first phase of the memorandum. The food, medicine and other humanitarian needs included in the procurement and distribution plan signed by the Secretary-General, implementation of which began on 8 December 1996, were all supposed to have arrived in Iraq within the agreed period of six months. During this same period Iraq, for its part, strictly observed its obligation to supply the amount of petroleum agreed upon for the first phase. Nevertheless, the current situation, four whole months after the period specified for the implementation of the first phase, is the following:

Forty-three applications to export goods to Iraq are on hold in the Security Council Committee established by resolution 661 (1990), as a result of the unjustified stance of the United States of America;

Thirty-six export applications have also been blocked by the United States of America for the same reason.

Furthermore, the secretariat of the Committee still has scores of applications that it has yet to circulate to its members for discussion. It shows no interest in accelerating action on these applications.

Ten whole months have elapsed and the eleventh is in progress, and we still do not know the fate of some of the applications submitted to the Security Council Committee established by resolution 661 (1990). Some applications still awaiting consideration were submitted more than eight months ago. They include an application to export spare parts and other requisites for the functioning of the Iraq-Turkey oil pipeline. The Security Council Committee has not yet seen fit to discuss this important application, despite the fact that it was specifically mentioned in the procurement and distribution plan and in the memorandum of understanding because of its importance for enabling the pipeline to function and Iraq to fulfil its obligations.

Such an unjustified delay can only be intentional. I call upon you to provide an explanation for it and to examine its causes. I should like you to know that, were it not for the exceptional and unparalleled efforts of the Iraqi technical and engineering staff, the Iraq-Turkey pipeline would not now be working as well as it is. If the pipeline fails for technical reasons, how will this affect the obligations of Iraq? Who will bear responsibility for the results of such failure: Iraq or the Security Council Committee and its secretariat?

On behalf of the Iraqi Government, I ask you to use your authority to intervene directly in the implementation of the memorandum of understanding signed by Iraq and the United Nations and to ensure early approval of the application to export essential components for the Iraq-Turkey oil pipeline and other export applications, such as those for emergency vehicles, vehicles needed to transport foodstuffs to every governorate in Iraq, spare parts for electric power plants, sanitation supplies and supplies for the agricultural and education sectors.

I reiterate my request that you play your part and use your good offices to set a reasonable and acceptable term for the implementation of the first phase of the memorandum of understanding. It is quite apparent that the delay sought by the United States of America has been achieved, that difficulties and obstacles have indeed been created and that the orderly delivery of humanitarian supplies to Iraq has been disrupted, since such supplies have not been systematically distributed to the Iraqi people.

We are still awaiting a solution to a further matter, namely, the methods used to implement the memorandum of understanding, and also the working practices of the Security Council Committee established by resolution 661 (1990), since these clearly demonstrate many deficiencies. Unfortunately, one party has gained control over the work of the Committee and it is this party that determines the fate of export applications in order to suit its political purposes. This situation is unacceptable and constitutes a flagrant violation of the memorandum of understanding and of Security Council resolution 986 (1995), which was said to serve a humanitarian purpose, being intended to provide the people of Iraq with food, medicine and other humanitarian supplies.

We implore you to fulfil your responsibilities and to settle this matter expeditiously, in order to put us in a better position with regard to the implementation of the second phase of the memorandum of understanding.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq